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May 28, 2020

BY ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

**Re: *Miriam Fuld, et al. v. The Palestine Liberation Organization, et al.*,
Case No. 1:20-cv-03374 (JMF):
Defendants' Letter-Motion to Extend Time to Respond to Complaint**

Dear Judge Furman:

This law firm represents Defendants Palestine Liberation Organization ("PLO") and Palestinian Authority ("PA") in the above-referenced action. Pursuant to Local Civil Rule 7.1(d) and Your Honor's Individual Rule 1.E, we respectfully move the Court for an extension, to and including August 10, 2020, of Defendants' time to answer, move with respect to, or otherwise respond to the Complaint in this action, reserving all of Defendants' defenses and objections including objections to jurisdiction.

This is Defendants' first request for an extension of time. Plaintiffs apparently contend that the current date for Defendants' response to the Complaint is June 2, 2020, based on attempted service of process on May 12, 2020, the sufficiency of which Defendants dispute, as described below. The Court has set an initial pretrial conference in this matter for July 15, 2020, at 3:15 p.m. (ECF Dkt. #3).

As required by Your Honor's Individual Rules, my co-counsel, Mitchell R. Berger, on May 27, 2020, conferred with Plaintiffs' counsel, Jeffrey Fleischmann, Esq. and Samuel Silverman, Esq., to ascertain Plaintiffs' position. Mr. Fleischman stated that Plaintiffs do not consent to Defendants' requested extension, which he considers an "unreasonable amount of time," but that Plaintiffs would consent to an extension until July 5, 2020, on condition that Defendants accept service of process.

There is good cause for Defendants' requested extension until August 10, 2020, notwithstanding Plaintiffs' opposition. Defendants collectively comprise the government of Palestine. Plaintiffs attempted to make service of process on Defendants by delivering summonses to the PLO

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and the PA to the Palestinian Mission to the United Nations at 115 East 65th Street, New York, New York, on May 12, 2020. *See* ECF Dkt. ## 8-9. However, neither Palestine's UN Mission nor any of its employees is authorized to accept service of process in U.S. legal proceedings against the PLO or the PA. Upon learning of Plaintiffs' service attempt, Defendants' counsel offered to waive further attempts at service of process in return for a 90-day response date as provided by Fed. R. Civ. P. 4(d)(3) for service made on defendants located outside the United States. That 90-day period would run on August 10, 2020, the response date Defendants request herein. Further, consistent with the provisions of the waiver form implementing Rule 4(d)(3) (AO 399), Defendants' counsel stated that Defendants would preserve "all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but ... waive any objections to the absence of a summons or of service." *See* Form AO 399.

As further good cause for this extension, and as we informed Plaintiffs' counsel, Defendants require 90 days to prepare their response to the Complaint because of severe logistical difficulties created by circumstances in Palestine where measures to protect against COVID-19 have limited operations of the Palestinian government since early March. While some restrictions have been lifted, among other things, the circumstances brought about by COVID-19 and the Palestinian government's ongoing efforts to combat its spread will impede counsel's ability to collect, translate from Arabic, and authenticate documents and other information necessary for Defendants' response to the Complaint. *See President Abbas declares new state of emergency in Palestinian territories to confront coronavirus*, Wafa (May 5, 2020), <http://english.wafa.ps/page.aspx?id=88kMGYa116973298959a88kMGY> (reporting that, on May 5, 2020, President Abbas extended the Palestinian government's state of emergency directive designed to combat the spread of COVID-19).

Accordingly, Defendants respectfully request that the Court extend, until and including August 10, 2020, their time to answer, move with respect to, or otherwise respond to the Complaint in this action, reserving all of Defendants' defenses and objections, including jurisdictional objections, other than an objection to the sufficiency of service of process. Defendants further respectfully submit that the Court should adjourn the initial pretrial conference to a date after August 10, 2020.

Respectfully submitted,

Squire Patton Boggs (US) LLP

/s/ Gassan A. Baloul
Gassan A. Baloul

cc: Mitchell R. Berger, Esq.
Plaintiffs' counsel (by ECF)

The Court construes the application to waive defenses regarding proper service of process and GRANTS it subject to that understanding. If Defendants intended to preserve such defenses, they shall promptly advise the Court and the Court may revisit the extension. The Clerk of Court is directed to terminate ECF No. 12. SO ORDERED.



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